

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, July 9, 2019**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, July 9, 2019, at 6:00 P.M. in the Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 6:01 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Scott Buckley

Councilmember Bill Regner
Councilmember Debbie Hunseder

Town Staff:

Town Manager Tracie Hlavinka
Utilities/Public Works Director Maher Hazine
Finance Manager Kathy Cwiok
Finance Technician Brittany Earles
Planning Manager Beth Escobar
Police Chief Randy Taylor
Town Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment.

REPORTS

Current Events – A brief summary of current events. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary.

Mayor's Report –

- 06/17/19 – Gave presentation at Payson Library regarding Clarkdale projects on the Verde River
- 06/25/19 – Met with Mayor and Town Manager of Jerome and Clarkdale Town Manager regarding possible uses for the old Jerome Cemetery
- 06/27/19 – Attended Gayle Mabery's retirement party
- 06/28/19 – Attended Block Party in Central Business District
- 07/03/19 – Met with Danny Brown, Superintendent of Clarkdale-Jerome School

- 07/04/19 – Attended Old Fashioned 4th of July in Clarkdale

Vice-Mayor's Report –

- 06/27/19 – NACOG Regional Council meeting;
 - Attended and emceed Gayle Mabery's retirement party
- 06/28/19 – Attended Block Party in Central Business District
- 07/04/19 – Attended and emceed Clarkdale Old Fashioned 4th of July
- 07/06/19 – Attended Concert in the Park

Councilmember Regner's Report –

- 06/12 – 14/19 - Attended Historic Preservation Conference
- 06/19/19 – Attended Museum board meeting
- 06/22/19 – Attended Concert in the Park
- 06/25/19 – Attended Cottonwood Chamber Mixer
- 06/27/19 – Attended Gayle Mabery's retirement party
- 06/28/19 – Attended Block Party
- 07/03/19 – Attended retirement party for Mick McCullough
- 07/04/19 – Attended Old Fashioned 4th of July and helped with Ice Cream Social
- 07/05/19 – Attended CHSM's 1st Friday Living History Presentation
- 07/06/19 – Attended Concert in the Park

Councilmember Buckley's Report –

- 06/23/19 – Attended Concert in the Park
- 06/27/19 – Attended Gayle Mabery's retirement party
- 06/28/19 – Attended Block Party
- 07/02/19 – Attended Downtown Business Alliance (DBA) meeting
- 07/04/19 – Attended Old Fashioned 4th of July

Councilmember Hunseder's Report –

06/12 – 14/19 – Attended Arizona State Historic Preservation Conference
06/27/19 – Attended Gayle Mabery's retirement party
06/28/19 – Attended Block Party
06/29/19 – Attended Southwest Wine Center (Yavapai College) event
07/02/19 – Attended Downtown Business Alliance meeting
07/03/19 – Attended Mick McCullough's retirement party
07/04/19 – Attended Old Fashioned 4th of July
07/05/19 – Attended CHSM's 1st Friday In Their Own Words
07/06/19 – Attended Concert in the Park

Town Manager Hlavinka's Report –

- 06/20 & 21/19 - Attended Women Leading Government conference
- 06/25/19 - Attended Cottonwood Chamber Mixer with Councilmember Regner
- 06/26/19 – Attended NACOG Mixer with County Supervisor Randy Garrison
- 06/28/19 – Attended Downtown Block Party
- 07/02/19 – Attended Workforce Housing Meeting in Sedona
- 07/04/19 – Attended Old Fashioned 4th of July event (flipped pancakes)

Reminders:

- 07/10/19 – Parks and Recreation Meeting at 5 p.m.
- 07/16/19 – Planning Commission meeting has been cancelled due to lack of agenda items
- 07/20/19 – Concert in the Park – Scandalous Hands (band) 7 – 9 p.m.
- 07/26/19 – 4th Friday Films at 10 a.m. (Clark Memorial Library)
- 07/26/19 – Downtown Block Party 6 – 9 p.m.
- 07/27/19 – Pickleball Learn and Play at Centerville Park

Organizational Reports – Reports regarding regional organizations.CAT – Cottonwood Area Transit (Councilmember Buckley)

- No report

VVTPO – Verde Valley Transportation Planning Organization. (Councilmember Regner)

- No report

NACOG - Northern Arizona Council of Governments. (Vice Mayor Dehnert)

- Final meeting of fiscal year and was held at Hassayampa Inn; year end housekeeping agenda including:
 - approval of administrative division final budget
 - approval of upcoming year proposed budget
 - report on Executive Director's performance evaluation tabled until August
 - approved adoption of resolution authorizing execution of an IGA for mobility management planning and services
 - Area Agency on Aging FY 20 budget approved
 - election of officers and executive committee for next year was mostly re-election from the last year

VVREO-LRSPC – Verde Valley Regional Economic Organization's Long Range Strategic Planning Committee (Councilmember Hunseder)

- No report

TPAC – Transportation Policy Advisory Council. (Councilmember Regner)

- No report

NAMWUA - Northern Arizona Municipal Water Users Association. (Councilmember Buckley)

- No report

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held June 11, 2019 and Special Meetings June 25, 2019.
- B. Claims** - List of specific expenditures made by the Town during the previous month. June, 2019 check log and PPE dated June 8, 11, 17, 22, 27 and 28, 2019.
- C. Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month’s Board and Commission Meetings.
Design Review Board Notice of Cancellation of meeting
Planning Commission minutes of the meeting held June 18, 2019
Parks and Recreation Commission minutes of the meeting held June 12, 2019
- D. Proclamation Proclaiming the Month of August, 2019 as Drowning Impact Awareness Month**– Approval of a Proclamation declaring the month of August, 2019 as Drowning Impact Awareness Month.
- E. Designated Funds** – Approval of designated funds for FY 2019 – 2020.

Action: Approve Consent Agenda items A – E as presented.

Motion: Vice Mayor Dehnert

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

NEW BUSINESS

NOTICE OF INTENT TO SET CREDIT CARD SURCHARGES – Discussion and possible action regarding Notice of Intent to set credit card surcharges.

A work session was held at the April 23 Council meeting, which included a presentation for a proposed credit card surcharge for the Town of Clarkdale. During that meeting, Council directed staff to move forward in the process to implement a credit card processing surcharge of 1.5% on all credit card transactions, excluding online transactions. This surcharge will partially offset the estimated \$15,000.00 in credit card processing fees the Town will pay this fiscal year. The proposed surcharge will help to reduce the Town expense to a more reasonable cost of doing business. On May 15, 2019, the Notice of Intent to set a credit card surcharge was submitted to the Town Clerk and posted on the Town website. A Notice of Intent will be placed in the newspaper on July 28, 2019. The Fee Resolution will be on the August 13, 2019 council agenda for adoption.

Finance Manager Kathy Cwiok presented information to the Council on this agenda item.

Action: Approval of the Notice of Intent to set a Credit Card Surcharge.

Motion: Councilmember Regner

Second: Vice Mayor Dehnert

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

NOTICE OF INTENT TO INCREASE THE LOCAL SALES TAX RATE – Discussion and possible action regarding Notice of Intent to increase the local sales tax rate.

A work session of the preliminary budget was held at the April 30, 2019 Council meeting, which included the proposed sales tax increase for the Town of Clarkdale. During that meeting, Council directed staff to move forward in the process to increase the Local Sales Tax Rate from 3.00% to 3.50%. The proposed increase will affect the following sections of the Tax Code:

Section IV-405	Advertising
Section IV-410	Amusements, exhibitions and similar activities
Section IV-425	Job Printing
Section IV-427	Manufactured buildings
Section IV-430	Timbering & other extractions
Section IV-435	Publishing & periodicals distribution
Section IV-444	Hotels
Section IV-450	Rental, leasing and licensing for use of tangible personal property
Section IV-455	Restaurants and Bars

Section IV-460	Retail sales
Section IV-470	Telecommunication services
Section IV-475	Transporting of hire
Section IV-480	Utility services

The proposed rate increase will not affect:

Section IV-445	Rental, leasing and licensing for use of real property
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The voters through the election process must approve any change to Section 445.

Section IV-432	Mining
	Rate set by statute

Council also directed staff to move forward in the process to increase the Construction Tax Rate from 4.00% to 4.50%. The proposed increase will affect the following sections of the Tax Code:

Section IV-415	Contracting Prime
Section IV-416	Contracting- Speculative builders
Section IV-417	Contracting-Owner builder

On May 21, 2019, the Notice of Intent to increase the local sales tax rate was submitted to the Town Clerk. A Notice of Intent and the signed Ordinance will be placed in the newspaper on July 28, 2019. The Ordinance making the change to the Town Code will be on the August 13, 2019 council agenda. The rate change will be effective on November 1, 2019.

Finance Manager Kathy Cwiok presented information on this agenda item to Council and discussed additional changes recommended by League staff prior to this meeting.

Action: Approval of the Notice of Intent to increase the local sales tax rate with deletion of “measure of tax burden of proof exclusions” under Section IV – 460 and deletion of Section IV – 315 “MRRA amount” .

Motion: Vice Mayor Dehnert

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

PUBLIC HEARING RELATED TO RULES ON TEMPORARY USES – A public hearing regarding an ordinance entitled “TEMPORARY USES” amending Zoning Code Chapter Two – Definitions and Chapter Four – Temporary Uses to adopt definitions, rules and regulations.

During a review of a request to establish temporary uses on the Freeport McMoRan property along Sycamore Canyon Road it was discovered that the Clarkdale Zoning Code does not address temporary uses. The request from Freeport McMoRan was processed through a minor amendment to the Planned Area Development for Verde Valley Ranch.

For properties with no previous zoning entitlements, there is no current language in the Zoning Code to approve or regulate a temporary use.

Temporary Uses

Property owners may wish to establish temporary uses on their land. Temporary uses are short-term uses. Examples of temporary uses include Christmas tree sales, filming and related activities and construction support activities. Emergency shelters established to address housing for disaster victims would be an example of a temporary use.

Temporary uses typically, but not always, occur prior to the establishment of any permanent use on a property. For example, establishing a construction site prior to developing a subdivision is a typical temporary use.

Staff is recommending temporary uses be allowed in all zoning districts and has drafted a list of standards for the operation of temporary uses. The draft regulations adopt a permit requirement for temporary uses and establish approval criteria.

Temporary uses should not be confused with special events. A special event occurs on a property with an already established permanent use and is generally an expansion of that established use. The duration of a special event is generally shorter than the duration of a temporary use.

Planning Commission Action

The Planning Commission reviewed the draft ordinance once in a work session on April 16, 2019 and in a Public Hearing on May 21, 2019. There has been no public input on this proposed draft.

At their May 21st meeting the Planning Commission unanimously recommended Town Council consider approval of the ordinance.

Town Attorney Review

The Town Attorney has reviewed the draft ordinance. Suggested changes have been incorporated into the final draft.

Planning Manager Beth Escobar presented information on this agenda item to Council.

Mayor Von Gausig opened the meeting to public comment. There was no public comment.

Action: This is a discussion item only.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED “ZONING CODE CHAPTERS TWO AND FOUR – TEMPORARY USES” – Discussion and possible action regarding

Resolution #1605, a Resolution adopting Amendments to Chapter Two- Definitions, and Chapter Four – Temporary Uses of the Zoning Code.

During a review of a request to establish temporary uses on the Freeport McMoRan property along Sycamore Canyon Road it was discovered that the Clarkdale Zoning Code does not address temporary uses. The request from Freeport McMoRan was processed through a minor amendment to the Planned Area Development for Verde Valley Ranch.

For properties with no previous zoning entitlements, there is no current language in the Zoning Code to approve or regulate a temporary use.

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The Planning Commission reviewed the draft ordinance once in a work session on April 16, 2019 and in a Public Hearing on May 21, 2019. There has been no public input on this proposed draft.

At their May 21st meeting the Planning Commission unanimously recommended Town Council consider approval of the ordinance.

Town Attorney Review

The Town Attorney has reviewed the draft ordinance. Suggested changes have been incorporated into the final draft.

Action: Approve Resolution #1605, A Resolution of the Mayor and Council of the Town of Clarkdale, Arizona, declaring as a public record that certain document filed with the Town Clerk and entitled “TEMPORARY USES” amending Zoning Code Chapter Two - Definitions and Chapter Four – Temporary Uses.

Motion: Councilmember Regner

Second: Vice Mayor Dehnert

Discussion: Time limitations would be required in temporary uses so that the temporary use doesn't become a de facto use. Escobar agreed there would be an end date. Each temporary use would have to be reviewed based on specifics of why use is necessary and there would be no open-ended permits. The benefit for having temporary use language in the code fills a gap that is in the code.

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, MAKING CHANGES TO THE ZONING CODE BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "TEMPORARY USES – AMENDING ZONING CODE CHAPTER TWO – DEFINITIONS AND CHAPTER FOUR – TEMPORARY USES" – Discussion and possible action regarding Ordinance #397, an ordinance adopting by reference that portion entitled "TEMPORARY USES – Amending Zoning Code Chapter Two – Definitions and Chapter Four – Temporary Uses".

During the July 9th Council meeting the Council will first consider the adoption of Resolution #1605 that details changes made to Chapters 2 and 4 of the Clarkdale Zoning Code. If the Council supports the adoption of the Code, and votes to make it a public record by adopting the Resolution, then the adoption of this proposed ordinance would be the final step in the process for additions to "TEMPORARY USES" amending Zoning Code Chapter Two – Definitions and Chapter Four – Temporary Uses.

Action: Adopt Ordinance #397, an Ordinance of the Town of Clarkdale, Arizona, making changes to the Clarkdale Zoning Code by adopting by reference that certain document entitled "TEMPORARY USES" amending Zoning Code Chapter Two – Definitions and Chapter Four – Temporary Uses, repealing conflicting ordinances and providing for severability.

Motion: Vice Mayor Dehnert

Second: Councilmember Regner

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

NOTICE OF INTENT TO SET FEES FOR WATER, TRASH, CEMETERY, ENGINEERING AND REPORT REVIEW FEES – Discussion and possible action regarding Notice of Intent to set fees for Water, Trash, Cemetery, Engineering and Report Review Fees.

Engineering Fees:

Historically, the Town of Clarkdale has contracted out the Engineering review when needed. The Developer paid for such costs directly. With the hiring of a Town Engineer (myself), the review now is done in-house. However, the Town does not have any Engineering Review fees.

Water System Fees:

Connection Fees - Currently the connection fees for new construction are based on the size meter needed and do not cover the costs incurred for the meter, piping and fittings. The proposed fees will cover these costs.

Water Service Turn-On Fee – An increase from \$25.00 to \$50.00 is necessary to cover the costs incurred for work completed in the office and in the field for a new account.

Emergency Turn-on/off for Non-Business Hours – the fee increase is to recover costs outside of regular working hours.

Reconnections (Per Disconnection for Non-Payment) – this fee increase is to cover outstanding invoices and reduce bad debt.

Cemetery Fees:

The Valley View Cemetery has been operating in the red for many years due to minimal fees and the practice of collecting all fees when the lot is purchased and the burial takes place years later when costs have increased. This practice has been changed at the request of our auditors. When purchasing a lot, fees are collected for the lot and perpetual care. Opening and closing fees and dome fees are collected at time of burial.

Trash Fees:

The Collection Service Agreement between the Town and Patriot Disposal, Inc. was approved by Council on February 26, 2019. At that time the Council accepted the bid from Patriot for residential trash and recycling collection and authorized Public Works-Utilities Director to enter into an agreement. The only change to customer fees is for a second container from \$1.00 to \$4.00.

Legal Requirement:

As part of the Fee Adoption Process, a Notice of Intent is required to be posted by the Town Clerk on the Town Website no less than 60 days prior to the Council Meeting adopting the Fee Resolution (currently scheduled for August 13, 2019). Additionally, the Notice of Intent will be

placed in our Social Media platforms no later than July 22nd, and published in the newspaper on July 28, 2019. The fee Resolution is scheduled for adoption on the August 13, 2019 Council agenda for adoption.

A copy of the Documents required in support of the fees are attached for reference.

Each Notice of Intent needs to be approved individually.

Public Works-Utilities Director Maher Hazine presented information on these items to Council.

Water Service Turn-On Fees: Discussion followed regarding water service turn-on fees and questions regarding landlord/tenant situations and if that has been considered. Master Agreements are not currently a part of the fee schedule but they will be developed at a later date.

Cemetery Fees: Discussion followed regarding tracking and checking records for payments and collections.

Trash Fees: No discussion.

Action: Staff recommends approval of the Notice of Intent to Set Water System Fees as proposed;

Action: Set Trash System Fees as proposed;

Action: Set Cemetery Fees as proposed.

Action: Set Engineering and Report Review Fees as proposed.

Motion: Councilmember Hunseder

Second: Councilmember Regner

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

VERDE RIVER INSTITUTE REPORT – An update from the Verde River Institute on projects and issues that relate to the Verde River @ Clarkdale.

The Verde River Institute (VRI) is a 501(c)(3) non-profit organization committed to developing and facilitating the implementation of policies that help to ensure that the Verde River in central Arizona retains flows that will support sustainable, healthy and diverse economies and ecosystems.

VRI also helps policy makers understand the many complex water resource issues in central Arizona. They are committed to finding sustainable solutions for the human and natural worlds that depend on the Verde River to supply their needs. They are guided by the principle that

responses to demands in the system should also increase the river community's intellectual, political, social, individual, natural, built and financial capital. According to their website, when this goal is realized, the system becomes robust, dynamic and sustainable.

The Vision of the VRI is: Connecting people and resources to promote a healthy, flowing Verde River and a stronger, greater Verde community.

Their Mission: Provide research and data, funding, policy expertise, education and consulting on diverse Verde River issues.

Clarkdale Mayor Doug Von Gausig serves as the Executive Director of the Verde River Institute. Instead of reporting on Verde River Institute topics during his Mayor's report, staff has suggested having a separate agenda item so that the public is more aware that information relating to the Verde River Institute's work will be presented. Mayor Von Gausig will provide on-going updates and reports on Verde River Institute programs and projects that relate to the Verde River @ Clarkdale as part of this agenda item.

Mayor Von Gausig discussed phone call from Arizona Department of Environmental Quality (ADEQ) regarding the lack of data on what happens with regard to e. coli levels when there is heavy recreational use. VRI tests for e. coli regularly but not with regard to this topic. E. coli to be in excess has to be over 235 colony forming units (cfus).

The Institute performed nine different e. coli (by lower Tapco and Tuzi RAPs) tests over a four day period from July 3rd to the 8th. Prior to the heavy recreational use on the 4th the e. coli 'most probable number for two samples' was 4.2 about 12 hours apart. Right after the 4th in the afternoon it jumped to 20.4 compared to last year at the same time of year the numbers were in the 40s. Went down to 13 – 14 the next couple of days. Yesterday it was 3.4 cfus.

Theory: Refugium that lies dormant in the bottoms of ponds in the silt was washed out with all the rain and flooding from January through April resulting in a much lower number and gives an indication of the somewhat insignificant influence recreation has on e. coli cfus.

Discussion also included information about personal flotation devices (pfd) and the fact that 'no one is using them'. State law requires having one on the watercraft. It has been about a year since the Arizona Game and Fish Department was going to put in loaner pfd stations at lower Tapco and Tuzi RAPs. This project has been held up by the agreements between Arizona State Parks, Arizona Game and Fish, Freeport McMoRan, and the Town of Clarkdale and all the legal aspects which have now been completed. Mayor Von Gausig contacted Arizona Game and Fish to notify that 75 – 80% of boaters were not using pfd. The result is that by the end of this month or beginning of August the loaner stations should be installed. The pfd will be funded by the Ryan Thomas Foundation that is a drowning prevention coalition.

Discussion followed regarding effects of monsoonal activity on the e. coli levels. The question scientists ask is 'e. coli being generated in the river bed itself or is it being generated in the ephemeral washes that are feeding into it?' They will compare this year with last year.

Action: This is a monthly, or as-needed, report and no Council action is required.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

ADJOURNMENT – Without objection, Mayor Von Gausig adjourned the meeting at 7:10 p.m.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:



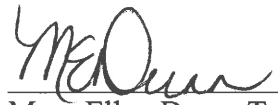
Mary Ellen Dunn, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 9th day of July, 2019. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 13th day of August, 2019.

SEAL



Mary Ellen Dunn, Town Clerk